

### REMARKS

In the last Office Action, restriction was required between the inventions of Group I, claims 10-21, drawn to a device for at least partial introduction into a body passage, and Group II, claims 22-29, drawn to a device for insertion into a body passage. According to the Examiner, the inventions of Groups I and II share a special technical feature but the special technical feature does not define a contribution over the prior art because the claims of Group II are either anticipated or obvious over EP 0371486, thereby making restriction appropriate. Applicant respectfully disagrees with the restriction requirement and requests reconsideration and withdrawal thereof.

In setting forth the restriction requirement, the only difference between the inventions of Groups I and II is that the former is drawn to a device for at least partial introduction into a body passage whereas the latter is drawn to a device for insertion into a body passage. The claims of Group II have been amended herein so that the preamble is the same as that of the claims of Group I, thereby obviating the basis for the restriction requirement. As noted below, the claims of Group II are neither anticipated nor obvious over EP 0371486 and are so linked to the claims of Group I as to form a single general inventive concept under PCT Rule 13.1.

Independent claim 10 (Group I) and independent claim 22 (Group II) both recite an inner body surrounded by an outer body, wherein both bodies have a polygonal cross section so that relative rotation of the inner body relative to the outer body brings the two bodies into contact with one another to impart stiffness. Independent claim 16 (Group I) and independent claim 26 (Group II) both recite an inner body surrounded by an outer body, wherein the two bodies are movable relative to one another to impart flexibility and are restrained from undergoing relative motion by magnetic attraction forces to impart stiffness. EP 0371486 does not anticipate or render obvious any of the claims of Groups I and II.

EP 0371486 relates to a device for at least partial introduction into a body passage, the device having an outer tubular member 11 having an inflatable balloon 12 on the distal portion thereof, and an inner tubular member 13 disposed within the outer tubular member 11 and defining an annular passage 14 between the two members. The inner tubular member 13 comprises an outer tubular element 20 in which is disposed an inner tubular element 21, and the two tubular elements are spaced from one another by an annular passageway 22. In the region of the inflatable balloon 12, the inner tubular member 21 has a reduced diameter portion which defines a flexible collar 23 so that when pressurized inflation fluid is introduced into the passageway 22, the inflation fluid expands the flexible collar 23 radially

inwardly to engage a guide wire 16 to fix the guide wire within the inner tubular element 21.

The reference does not disclose or suggest inner and outer tubular bodies having polygonal cross sections which contact one another when the two bodies are rotated relative to one another to impart rigidity, as recited in independent claims 10 and 22. The reference likewise does not disclose or suggest inner and outer tubular bodies that are movable relative to one another and that are restrained from undergoing relative rotational movement by magnetic attraction forces to impart stiffness, as recited in independent claims 16 and 26. Therefore EP 0371486 does not anticipate or render obvious the claims of Group II, which forms the basis of the restriction requirement. As the claims of Groups I and II share special technical features that, based on EP 0371486, define a contribution over the prior art, there is no basis for a restriction requirement and applicant requests that the restriction requirement be withdrawn.

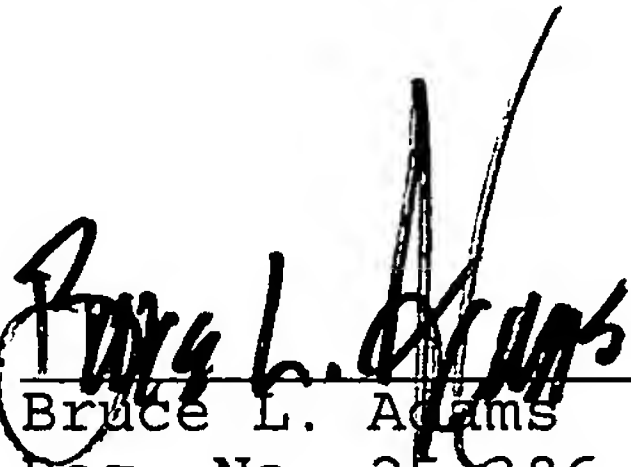
In view of the foregoing, applicant respectfully requests withdrawal of the restriction requirement and an action on the merits of claims 10-29.

Respectfully submitted,

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